

# LIMITS TO A CONSENSUS-BASED MODEL OF INVOLVEMENT

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**Abstract.** The need to generate authentic public involvement is one of the most pressing issues in environmental management. For years, the command and control approach relied on indirect participation methods such as public hearings and comment periods. Continually, these methods proved ineffective and fostered the frustration and distrust they were trying to dispel. Realizing that environmental issues were more complex, recent attempts for more collaborative and flexible approaches to decision making at all levels of government have increased experimentation with direct forms of involvement. Based on assumptions of equality, the common good and consensus decision-making, one such effort is the consensus-based stakeholder approach. In this project, I demonstrate that in practice consensus-based efforts demonstrate problems of exclusion and inequality identified by critics of this ideal form of public argument leading to frustration and distrust.

## INTRODUCTION

Although often fragmented and diffuse, efforts which attempt to unite stakeholders in consensus decision making share assumptions of representation, equality, unification for the common good and consensus-based decision making derived from an ideal notion of public argument. The conflict, disagreement and frustration that results as these processes are increasingly implemented are often attributed to specifics of the particular case such as the inability of lead agencies to correctly implement the process. However, according to critics, this form of public argument will inevitably produce such results. In this project, I draw on the research of these critics in order to identify problematic assumptions in the consensus-based stakeholder approach and to explore the constraints these assumptions place on participants through a case study of the Georgia Ports Authority's Stakeholder Evaluation Group. From this analysis, I aim to offer suggestions for researchers and practitioners toward a workable forum for public participation.

## PUBLIC ARGUMENT AND ENVIRONMENTAL PARTICIPATION

The consensus-based stakeholder approach is based on ideal assumptions of public argument. In this section, I briefly outline the theoretical foundation of these assumptions and link them to the stakeholder model.

Ever since Habermas outlined his ideal version of public political participation in *The Structural Transformation of the Public Sphere*, researchers in political science, philosophy and rhetoric have grappled with the workability of his model in American politics. According to Habermas, authentic citizens input into governance can occur when citizens "come together as a public; . . . to engage [public authorities] in a debate over the general rules governing relations in the basically privatized but publicly relevant sphere of commodity exchange and social labor" (Habermas, 1989, p. 27). Inequalities in status are bracketed as individuals join together in the pursuit of the common good. Consensus decisions are made according to the rational quality of argument rather than the social power of the arguer, resulting in naturally rational decisions.

Despite the seeming appropriateness of this model for democratic political participation, it has been widely criticized on a number of grounds. First, many scholars critique the view that social inequalities can and should be bracketed in democratic political debate. Craig Calhoun argues that Habermas's notion of equality "impoverishes his own theory" by ignoring "the power relations, the networks of communication, the topography of issues and the structure of influence in the public sphere" (1992, p. 35). According to Nancy Frazer (1992), when subordinate groups become included in debate as equals, elite control of vocabulary and meaning excludes them from discussion. In this sense, the ideal of an equal and inclusive public sphere actually "masks subtle forms of control" (1992, p. 119) and "works to the advantage of dominant groups in society and to the disadvantage of subordinates" (1992, p. 120).

Second, scholars criticize the notion that diverse individuals can unite in the spirit of the public good. Geoff Eley (1992) argues that public debate is "partial and narrowly based . . . a field of conflict, contested meanings and exclusion" (1992, p. 308) making unification impossible. Thomas McCarthy (1989) contends that due to the "socially, culturally, and psychologically diverse" (p. 128) nature of contemporary society, promoting a vision of the common good will lead to the exclusion of certain topics and groups. Koivisto and Valiveronen (1996) claim that Habermas's emphasis of a unified good identifies only justice and economy as suitable topics for political discussion to the exclusion of other issues.

Third, many scholars criticize the practicality and workability of consensus based decision-making. McCarthy (1992) suggests that in a pluralistic society where there is "no common measure by which to assess the relative weights of reasons articulated in different evaluative languages" (p. 65) the notion that people will naturally agree that one argument is more rational is impractical. Mouffe (1999) suggests that the belief "that political questions can be decided rationally" (p. 753) can lead to the domination by those with the most social power.

Despite these criticisms, Habermas's ideals have reemerged in recent years in the discourse of philosophers and political scientists who are frustrated with the special interest based politics dominating the political scene. These researchers promote a deliberative view of democracy directed by Habermas's ideal of citizen involvement. Their theoretical discussions have filtered into the area of environmental public participation where researchers are increasingly promoting models based on this notion of public argument.

Increasingly in recent years researchers have promoted more interactive efforts as a solution to the frustration resulting from traditional participation efforts. For example, Juanillo & Scherer (1995) suggested weighing and debating conflicting values through a dialectical model of communication. In this model, information reflecting multiple perspectives flows freely between equal stakeholders. All have the opportunity to share information, become informed and to weigh options. In the end, holistic judgments are reached through consensus.

Killingsworth and Palmer (1992) likewise suggested a model of public participation based on the "central experience of the unconstrained, unifying, consensus bringing force of argumentative speech, in which different participants overcome their merely subjective views and, owing to the mutuality of rationally

motivated conviction, assure themselves of . . . the unity of the objective world" (p. 166).

With President Clinton's commitment to reinventing our environmental protection system in 1995, such suggestions emerged in practice. Beginning with the premise that "better decisions result from a collaborative process with people working together" this administration worked closely with the EPA and other agencies such as the DOE in the attempt to implement participation processes that directly included citizens in environmental decision making. Many of these efforts such as EPA's Project XL, Community Advisory Panels and Good Neighbor Dialogues were consensus stakeholder model types based on Habermasian assumptions about public argument (Spyke, 1998). Similar efforts have begun to appear on the state and local levels as well.

#### ASSUMPTIONS OF A STAKEHOLDER MODEL

Although each participation effort is unique (Spyke, 1998), those relying on a consensus-based stakeholder model demonstrate similar assumptions. Discussions of these practices by researchers and practitioners reveal the assumptions that stakeholders can be representative and equal, that all can unite in the spirit of the public good and that true consensus decisions can result. Because they contain such assumptions, these efforts also experience the practical problems outlined by critics.

First, stakeholders are defined as representative of the public interest. Stakeholders are "capable, concerned people representing a broad spectrum of interests" (Hendee, et al, 1976, p. 134). They come from "all segments of the community" (Mazmanian & Nienaber, 1976, p. 238). They "should be representative of the community in age, gender, socioeconomics, ethnicity, and stakeholder interest" (Murdock & Sexton, 1999, p. 385), including "disadvantaged groups and community activists" (Murdock & Sexton, 1999, p. 384; Spyke, 1999). Although these discussions suggest a desire to include all interested parties, logistical constraints lead practitioners to limit those involved to "the 'right'" interests (Fox, 1998, p. 9). The right interests are often defined as those with "a major stake in the issue" (Edgar, 1990, p. 230) such as those downwind and downstream. In this sense, individuals not geographically or financially linked are excluded. Continually described as representative, the process hides subtle exclusion.

Next, stakeholders are considered to be equal. In these efforts, stakeholders "become a partner in the decision making process" (Spyke, 1999, p. 17). They

discuss issues in a "neutral" (John & Mlay, 1999, p. 367) forum where "all parties bring something to the table" (Murdock & Sexton, 1999, p. 390). Such discussions of partnership and a free exchange of information imply that all participants are free and equal. However, in practice, stakeholders are often distinguished according to level and type of interest (Murdock & Sexton, 1999, p. 4). For example, the EPA ranks stakeholders according to the categories "of 1) those who want to be involved with the process; 2) affected parties; 3) anyone with an interest in the project or activity" (Murdock & Sexton, 1999, p. 4). In addition, the Federal Advisory Committee Act keeps agencies from participating as equal participants in stakeholder processes. Such distinctions inevitably allow some groups to have more power.

Once stakeholders are identified, they are to enter into "community dialogue" (Farrell, 1999, p. 4). Through this discussion, participants "may find there is more common ground than expected" (John, & Mlay, 1999, p. 368). In the words of President Clinton, deliberation enables participants to "bridge differences, find common ground, and identify new solutions." In practice however, different views of citizen participation often lead to disagreement rather than unification. According to Wengert, "Government agencies (i.e. the bureaucracy) will regard public participation . . . as a way of gaining legitimacy and public support . . . to members of the public, participation may be important for personal reasons or to seek to frustrate plans and proposals regarded as unsound and desirable" (Wengert, 1976, p. 34). In addition, different stakeholder may hold "different values of natural resources and environmental quality" (Crowfoot & Wondolleck, p. 6). Disagreement over issues such as these makes unification in the spirit of the common good unobtainable.

At the heart of these processes is the notion that debate and unification will lead to consensus, often "defined as an outcome that, as a package, everyone can live with" (Fox, 1998, p. 3). Since the result is a decision recommended by all it should yield the most effective, workable solution possible. However, according to practitioners, consensus decision making "undermines the administrative goals of efficiency, expertise and control, which drive agencies to seek quick public approval of predetermined solutions. On a more practical level, "public participation is inefficient in terms of cost and time, and can result in lowest-common-denominator solutions if decision makers strive to accommodate as many views as possible" (Spyke, 1999, p. 6). Consensus decisions often reflect only one side of the spectrum of interests.

## CASE STUDY: STAKEHOLDER EVALUATION GROUP

As demonstrated in the discussions of participation practitioners and researchers, consensus-based stakeholder models demonstrate characteristic assumptions and problems of a deliberative democratic view of public argument. In the following section, I briefly explore this conclusion in the context of the Georgia Ports Authority's Stakeholder Evaluation Group. This analysis represents the second and yet to be completed phase of an ongoing study.

The Georgia Ports Authority [GPA] maintains two terminals in Savannah. Although basically a shallow river continued development and maintenance has made Savannah into a world class port. To perpetuate this trend in the midst of increased competition and changes in the shipping industry, the Ports Authority suggested deepening the harbor from 42 feet (1994 deepening) to 50 feet in 1998. The Tier I EIS/FS produced by GPA drew much criticism from environmental groups and agencies who felt it was rushed and feared the impact of increased salinity on the Savannah National Wildlife Refuge, the struggling striped bass and shortnosed sturgeon populations and the city and industrial water supply. In response, GPA formed a Stakeholder Evaluation Group [SEG].

Formed in January of 1999 to identify environmental impacts of the project and formulate a plan to alleviate its effects, the SEG demonstrated the assumptions and resulting problems discussed above. First, openness was continually emphasized. However, the meeting day and time of Tuesday from 8:00 am to 5:00 pm clearly excluded some members. The group's continual focus on environmental impacts and good science also excluded other interests such as the aesthetics of increasingly larger ships entering the harbor. In turn, no private public attended after the first meeting. Although the group appeared representative, it was not.

Next, equality in providing input and offering issues for consideration was continually stressed. However, GPA often tried to limit the issues to be considered. They also pressured federal agencies with authority over the project to become more involved and catered to their wishes. Constrained by the Federal Advisory Committee Act these groups continually absolved themselves of power.

The group made decisions by consensus. In the beginning, there was confusion over what this meant. Often consensus would be reached on points only to be debated again. Consensus later turned into majority voting resulting in a decision that was partial rather than complete in its reflection of entire group's interests.

## CONCLUSION

This case demonstrates the conclusion that in practice, consensus-based stakeholder models inevitably produce exclusion, inequality, conflict and partial decisions. Critics of deliberative democracy offer a number of helpful suggestions. McCarthy (1989), Frazer (1992) and Mouffe (1999) call for the recognition of power inequalities and the airing of disagreement in a variety of forums as the best model of contemporary public argument. This conclusion indicates that inequality and diversity must be recognized in existing participation mechanisms. Recognition of these elements would build trust and allow participants to work within these constraints, resulting in a more productive process. Second, consensus processes should be supplemented with additional efforts undertaken to air disagreement. The lead agency could host numerous informal discussions with a variety of diverse citizen groups.

The above suggestions are merely preliminary findings. Completion of the study will enable me to offer a more complete contribution toward the goal of making participation more productive.

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